

SEP 25 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph M. Torgerson et al.

Examiner: Laura E. Martin

Serial No.: 10/827,030

Group Art Unit: 2853

Filed: April 19, 2004

Docket No.: 200210152-1

Title: FLUID EJECTION DEVICE

CERTIFICATE OF TRANSMISSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the following papers are being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No.: (571) 273-8300 on the date shown below:

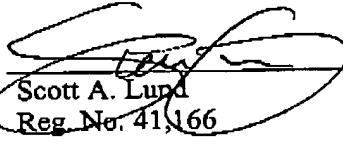
1. Transmittal Letter for Response to Restriction Requirement (1 pg.);
2. Response to Restriction Requirement (2 pgs.).

Respectfully submitted,

Joseph M. Torgerson et al.,

DICKE, BILLIG & CZAJA, PLLC
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Date: SEPT. 25, 2006
SAL:hsf

By: 

Scott A. Lund
Reg. No. 41,166

4 PAGES – INCLUDING COVER PAGE

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SEP 25 2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 200210152-1

Inventor(s): Joseph M Torgerson et al.

Confirmation No.: 2745

Application No.: 10/827,030

Examiner: Laura E. Martin

Filing Date: April 19, 2004

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Title: FLUID EJECTION DEVICE

Mail Stop Amendment
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Transmitted herewith is/are the following in the above-identified application:

<input type="checkbox"/> Response/Amendment	<input type="checkbox"/> Petition to extend time to respond
<input type="checkbox"/> New fee as calculated below	<input type="checkbox"/> Supplemental Declaration
<input checked="" type="checkbox"/> No additional fee	
<input checked="" type="checkbox"/> Other Response to Restriction Requirement	Fee\$

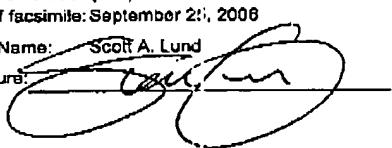
CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						+ \$360
EXTENSION FEE	<input type="checkbox"/> 1st Month \$20	<input type="checkbox"/> 2nd Month \$450	<input type="checkbox"/> 3rd Month \$1020	<input type="checkbox"/> 4th Month \$1590		\$ 0
						OTHER FEES \$
						TOTAL ADDITIONAL FEE FOR THIS AMENDMENT \$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571) 273-8310.

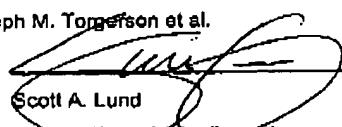
Date of facsimile: September 25, 2006

Typed Name: Scott A. Lund

Signature: 

Respectfully submitted,

Joseph M. Torgerson et al.

By 

Scott A. Lund

Attorney/Agent for Applicant(s)

Reg No. : 41,168

Date : September 25, 2006

Telephone : (612) 573-2006

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SEP 25 2006**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Joseph M. Torgerson et al.
 Serial No.: 10/827,030
 Filed: April 19, 2004
 Title: FLUID EJECTION DEVICE

Examiner: Laura E. Martin
 Group Art Unit: 2853
 Docket No.: 200210152-1

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Election/Restriction

In the written Election/Restriction Requirement mailed August 25, 2006, the Examiner required restriction to one of the following species:

- I. Species I, relating to a substrate, fluid feed slot, firing resistors, and a reference conductor.
- II. Species II, relating to a substrate, fluid feed slot, firing resistors, a reference conductor, a vaporization chamber, and an isolation structure.
- III. Species III, relating to a substrate, fluid feed slot, firing resistors, a reference conductor conducting a first current, and first drive switches.
- IV. Species IV, relating to a substrate, fluid feed slot, firing resistors, a reference conductor conducting a first current.
- V. Species V, relating to a substrate, fluid feed slot, a vaporization chamber, and a reference conductor.

In response to the Election/Restriction Requirement, Applicant hereby elects Species III with traverse for prosecution on the merits. Applicant contends that the Examiner has not given a clear basis for the Election/Restriction Requirement and that the rationale for the different groupings has not been presented. Applicant notes, for example, that the groupings of Species I and Species IV both relate to a substrate, fluid feed slot, firing resistors, and a reference conductor and, as such, are not mutually exclusive. Thus, Applicant submits that the above Election/Restriction Requirement, at least between these groupings, is not proper.

With the election of Species III, Applicant submits that claims 1-20, 35, and 37-50 are readable on the elected species.

Response to Restriction Requirement
 Applicant: Joseph M. Torgerson et al.
 Serial No.: 10/827,030
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CONCLUSION

Having thus addressed the Election/Restriction Requirement imposed by the Examiner, Applicant respectfully requests reconsideration of the application and allowance of all pending claims.

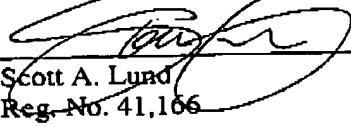
Any inquiry regarding this Response should be directed to either Donald J. Coulman at Telephone No. (541) 715-1694, Facsimile No. (541) 715-8581 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

IP Administration
 Legal Department, M/S 35
 HEWLETT-PACKARD COMPANY
 P.O. Box 272400
 Fort Collins, Colorado 80527-2400

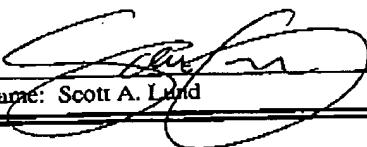
Respectfully submitted,
 Joseph M. Torgerson et al.,

By,
 DICKE, BILLIG & CZAJA, PLLC
 Fifth Street Towers
 100 South Fifth Street, Suite 2250
 Minneapolis, MN 55402
 Telephone: (612) 573-2006
 Facsimile: (612) 573-2005

Date: SEPT. 25, 2006
 SAL:hsf


 Scott A. Lund
 Reg. No. 41,166

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 25th day of September, 2006.

By 
 Name: Scott A. Lund